

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

EUGENE JONES,

Plaintiff,

v.

9:12-cv-0447  
(NAM/TWD)

ROCK, Superintendent, Upstate Correctional Facility;  
J. MARIENELLI, MHU Counselor, Upstate Correctional  
Facility; JOHN DOE #3, Mental Health Doctor, Upstate  
Correctional Facility; MICHAEL HOGAN, Mental  
Health Commissioner; J. HEALY, C.O., Upstate  
Correctional Facility; JOHN DOE #2, C.O., Upstate  
Correctional Facility; JOHN DOE #3, C.O., Upstate  
Correctional Facility; LAVEEN, C.O., Upstate Correctional  
Facility; DWYER, C.O., Upstate Correctional Facility;  
JOHN DOE #4, Lt., Upstate Correctional Facility;  
S. SANTAMORE, Sgt., Upstate Correctional Facility;  
BURGESS, C.O., Upstate Correctional Facility; JOHN  
DOE #5, C.O., Upstate Correctional Facility; JOHN DOE  
#6, C.O., Upstate Correctional Facility; JERRY MILLER,  
Dental Doctor, Upstate Correctional Facility,

Defendants.

**APPEARANCES:**

**OF COUNSEL:**

EUGENE JONES  
95-B-1881  
Clinton Correctional Facility  
P.O. Box 2002  
Dannemora, NY 12929  
Plaintiff *pro se*

HON. ERIC T. SCHNEIDERMAN  
Attorney General of the State of New York  
The Capitol  
Albany, New York 12224  
Counsel for Defendants

COLLEEN GALLIGAN, ESQ  
Assistant Attorney General

**NORMAN A. MORDUE, SENIOR U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge Thérèse Wiley Dancks, duly filed on the 31<sup>st</sup> day of January 2015. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

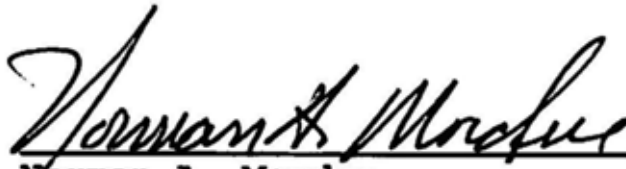
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendants' motion for summary judgment (Dkt. No. 46) is granted in its entirety.
3. The plaintiff's claims against John Doe defendants #1-6 are dismissed without prejudice from this action due to plaintiff's failure to prosecute.
4. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: February 24, 2015  
Syracuse, New York

  
**Norman A. Mordue**  
**Senior U.S. District Judge**